

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE: PERRY JOHNSON & ASSOCIATES  
MEDICAL TRANSCRIPTION DATA  
SECURITY BREACH LITIGATION

**ORDER APPOINTING  
PLAINTIFFS' LEADERSHIP**

24-MD-3096 (RPK) (LGD)

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THIS DOCUMENT RELATES TO:  
ALL CASES

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RACHEL P. KOVNER, United States District Judge:

The Court has received seven competing motions to appoint interim class counsel for this Multidistrict Litigation (“MDL”). *See* Ra O. Amen App. (Dkt. #45); Joseph Guglielmo App. (Dkt. #46); Majority Plaintiffs App. (Dkt. #48); Melissa R. Emert App. (Dkt. #49); Todd S. Garber App. (Dkt. #50); Howard Longman App. (Dkt. #51); Anthony L. Parkhill App. (Dkt. #52). After considering the motions and hearing argument on May 21, 2024, the Court grants in part and denies in part the application by the majority plaintiffs (Dkt. #48) as set forth below, and denies the other motions.

The Court appoints **James J. Pizzirusso (Hausfeld LLP)**, **Stuart A. Davidson (Robbins Geller Rudman & Dowd LLP)**, and **Jean S. Martin (Morgan & Morgan)** as MDL Co-Lead Counsel, who shall be responsible for coordinating the conduct of the consolidated action and shall:

- a. perform all responsibilities designated by the Court;
- b. determine (after consultation with additional counsel of record as may be appropriate) personally or by a designee, the position of plaintiffs on all matters arising during pretrial proceedings;
- c. consistent with the requirements of the Federal Rules of Civil Procedure,

coordinate the initiation and conduct of discovery on behalf of plaintiffs, including the preparation of joint interrogatories and requests for production of documents, and the examination of witnesses in depositions;

- d. coordinate settlement discussions or other dispute resolution efforts on behalf of plaintiffs, but not enter binding agreements except to the extent expressly authorized;
- e. delegate specific tasks to other counsel of record in a manner that ensures pretrial preparation is conducted effectively, efficiently, and economically; that scheduling deadlines are met; and that unnecessary expenditures of time and expense are avoided;
- f. convene meetings with additional class counsel as necessary for the purpose of proposing joint action and discussing and resolving matters of common concern;
- g. enter stipulations with opposing counsel necessary for the conduct of the litigation;
- h. prepare and distribute periodic status reports to the Court and parties;
- i. maintain adequate time and disbursement records covering the services of designated counsel and establish guidelines as to the keeping of time records and expenses;
- j. brief and argue motions for plaintiffs and file opposing briefs and argue motions and proceedings initiated by other parties (except as to matters specifically directed to individual plaintiffs or defendants) or designate the appropriate counsel to carry out these tasks; and
- k. perform such other duties as may be incidental to the proper coordination of

plaintiffs' pretrial activities.

No work shall be undertaken by any additional plaintiffs' counsel without the express advance authorization of Co-Lead Counsel. Likewise, no pleadings, motions, discovery or other pretrial proceedings shall be initiated or filed by any other plaintiffs' counsel, except through Co-Lead Counsel or upon their advance authorization or, absent that, with the advance approval of the undersigned or Magistrate Judge Lee G. Dunst.

All plaintiffs' counsel shall submit to Co-Lead Counsel (or their designee) a record of the time expended and costs incurred on a monthly basis, or such other schedule as may be established, in accord with the procedures established by Co-Lead Counsel.

The Court appoints **Israel David (Israel David LLC)** as liaison counsel. Liaison counsel shall:

- a. perform all responsibilities as designated by the Court;
- b. maintain an up-to-date, comprehensive service list of plaintiffs and promptly advise the Court and defendants of changes to Plaintiffs' service list;
- c. receive and distribute to plaintiffs' counsel, as appropriate, discovery, pleadings, correspondence, and other documents from defendants that are not electronically filed with the Court;
- d. establish and maintain a document depository;
- e. assist Co-Lead Counsel and additional class counsel in resolving scheduling conflicts among the parties and coordinating activities, discovery, meetings, and hearings;
- f. maintain a copy of this Order and serve the same on the parties and/or their attorneys in any actions later instituted in, removed to, or transferred to, this

MDL; and

- g. perform such other functions necessary to effectuate these responsibilities or as may be expressly authorized by further orders of the Court.

The Court appoints the following attorneys as additional class counsel to assist Co-Lead Counsel with matters relating to specific defendants:

- a. **Northwell Health, Inc.:** Linda P. Nussbaum (Nussbaum Law Group, P.C.)
- b. **Cook County Health and Hospitals System:** Emily E. Hughes (The Miller Law Firm, P.C.)
- c. **Concentra Health Services, Inc and Select Medical Holdings Corp.:** Gary M. Klinger (Milberg Coleman Bryson Phillips Grossman, LLC)
- d. **Bon Secours Mercy Health, Inc.:** Amber L. Schubert (Schubert Jonckheer & Kolbe LLP)
- e. **Salem Regional Medical Center:** Tina Wolfson (Adhoot & Wolfson, PC)
- f. **Board of Trustees of North Kansas City Hospital and Meritas Health Corporation:** Maureen M. Brady (McShane & Brady, LLC)
- g. **Crouse Health:** Patrice L. Bishop (Abraham, Fruchter & Twersky, LLP)
- h. **Federal-State Liaison:** Connor Hayes (Lynch Carpenter LLP)

The Court may appoint other additional class counsel upon request from Co-Lead Counsel, or on the Court's own motion, if and as circumstances warrant.

Plaintiffs shall designate one attorney, who shall either be one of the Co-Lead Counsel or the Liaison Counsel, to handle all correspondence with the Court on behalf of plaintiffs. If exigent circumstances require direct communication with the Court by other counsel of record, copies of any such communications must simultaneously be served on the designated attorney.

SO ORDERED.

/s/ Rachel Kovner  
RACHEL P. KOVNER  
United States District Judge

Dated: October 11, 2024  
Brooklyn, New York